

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 :
 : Case No. 1:16-CR-075
 :
 :
 : vs. : (Judge Kane)
 :
 :
 CHRISTOPHER MARK HEATH, :
 Defendant :
 :

TRANSCRIPT OF SENTENCING PROCEEDINGS
BEFORE THE HONORABLE YVETTE KANE
UNITED STATES DISTRICT COURT JUDGE
OCTOBER 19, 2017; 10:00 A.M.
HARRISBURG, PENNSYLVANIA

FOR THE GOVERNMENT:

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ALSO PRESENT:

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Proceedings recorded by mechanical stenography; transcript
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1 *THE COURT:* Good morning, counsel. Ms. Taylor.

2 *MS. TAYLOR:* Your Honor, this is the case of *United*
3 *States of America v. Christopher Mark Heath*, this court's
4 Docket 1:16-CR-75. Mr. Heath is present represented by
5 Ms. Ulrich. Your Honor, this is the time and date set for
6 sentencing in this matter.

7 *THE COURT:* Ms. Ulrich, good morning.

8 *MS. ULRICH:* Good morning, Your Honor.

9 *THE COURT:* I see we have an offense level calculated
10 at 26, criminal history category one, making for a guideline
11 range of 63 to 78 months on Counts 1, 2, and 18 and 60 months
12 on Count 19. Are there objections that you wish to make part
13 of the record?

14 *MS. ULRICH:* Yes, Your Honor. I have several
15 objections that I want to put on the record. Normally the
16 first step is, do we have objections to the presentence report,
17 and the answer to that, of course, is yes.

18 But this particular presentence report, the government
19 had responded to my objections, so we went -- the presentence
20 process is, we get the presentence, we both have 14 days to
21 file objections, which we did within our 14 days. And after
22 that, the government filed their complaints about my objections
23 to the presentence report. And, actually, it's the
24 government's objections that really contain more factual
25 inaccuracies than the presentence report itself, and that's

1 what I want to address.

2 First, Mr. Heath, in his presentence objections, said
3 that he was never paid for the second trip to Florida. The
4 government complains in their letter saying that that's not
5 true because he said during his proffer and in the presentence
6 report that he was paid 50,000 for the first trip and 60,000
7 for the second trip, and they cite to Paragraph 24 of the
8 presentence report. And if you look at Paragraph 24 of the
9 presentence report, it accurately reports what Mr. Heath said,
10 and that is he was paid 50,000 to 60,000 for the first
11 delivery.

12 So not only do I find myself responding to the
13 presentence report, but to factual inaccuracies that weren't
14 there but that the government put in their response to my
15 objections. In fact, their whole letter is riddled with
16 factual inaccuracies which cause Mr. Heath and I great anguish
17 in having to respond to that and the presentence report.

18 But that's not the only one that they got wrong.
19 Mr. Heath wanted to clarify Paragraph 19 of the presentence
20 report. Paragraph 19 said that he began growing marijuana in
21 2016. So in our objections, of course, we needed to clarify
22 that date because he got arrested in 2015. So as a
23 clarification to the probation office, I just simply said,
24 Mr. Heath wanted to clarify that he started growing marijuana
25 in 2014.

1 Well, the government spends all this time in their
2 response to my objections saying that they, in fact, gave the
3 probation office the year 2016 and somehow suggested that I was
4 wrong, that I was somehow at trial trying to keep out certain
5 dates and I was just trying to fix it in these objections. I'm
6 really not sure what they were saying. But the presentence
7 changed it in Paragraph 19, and now it accurately says that he
8 began growing marijuana in 2014.

9 But, of course, me and Mr. Heath, again, experiencing
10 great anguish, had to clarify that that was simply a
11 typographical error in the presentence report, that the
12 government somehow suggested that he was somehow trying to
13 contest drug weights or subverting things by complaining that
14 it was 2014 instead of 2016.

15 Then the government complained that we gave the
16 probation office a trial exhibit to establish, quote,
17 disingenuous drug weights. And that was relating to Paragraph
18 6 of the presentence report. Well, rather than trying to
19 establish, quote, disingenuous drug weights, what we were doing
20 was simply clarifying the facts. And so we submitted the
21 government's own trial exhibit which said the weights in the
22 packages ranged, during that three-month period, from
23 3.44 pounds to 13.77 pounds.

24 In the presentence, it says every package contained
25 between 10 and 20 pounds of marijuana. Again, we submitted it

1 simply to clarify that, no, that's not exactly right, not every
2 package was 10 to 20 pounds, look at the trial exhibit, those
3 packages ranged from 3.44 to 13.77 pounds, again, causing
4 Mr. Heath and I great anguish when we saw the government's
5 response making it look like Mr. Heath was a liar, when, in
6 fact, all he was really doing was trying to clarify what, in
7 fact, the government had presented at trial.

8 There are additional factual inaccuracies in the
9 government's response. Really the substantive argument is the
10 acceptance of responsibility, and that all pertains to whether
11 or not he should get his two levels off. The probation office
12 denied that, and that's really what the government was
13 responding to. But one of their arguments, again, in their
14 response, that he made no statements whatsoever during trial,
15 before trial, or in his proffer to the agents on June 23rd,
16 2016, about that gun.

17 Again, that is total factual inaccuracy, Your Honor.
18 On October 8th, I asked the government for a copy of the
19 proffer from the agent's standpoint. I did not get it. I got
20 it this morning when I walked in here. But I went through my
21 notes. And, in fact, I have marked my notes as an exhibit.
22 We'll call it Defense Exhibit 1. I'll pass that up.
23 Twenty-five pages, Your Honor, of statements he made long
24 before his trial on June 23rd, 2016, about his involvement in
25 this case.

1 But specifically, if you go to Page 9 and 10 of my
2 notes, and I will read them, they're talking about the trips to
3 Florida on Page 9, and they said -- and Mr. Heath is telling
4 them he made a second trip in 2014, also about one and a half
5 months later, about 20 minutes after I left the guy's house, I
6 got stopped for speeding.

7 And he says to these agents on June 23rd, I had my
8 off-duty gun in trunk. I always had gun with me. I had my
9 credentials. And they asked, Did you use the badge to get out
10 if stopped? And his answer was, and you can see I circled it,
11 No. And then down below that he says, Never my intention to
12 use the brass badge to get out of anything.

13 And then if you go to Page 10 of my handwritten notes,
14 Mr. Heath is telling them, I always carried the gun and badge.
15 So contrary to the government's representations, he did, in
16 fact, make statements about the gun in his proffer on
17 June 23rd, 2016.

18 Now, it's interesting because the presentence had the
19 proffer because they referred to it in Paragraph 24, yet I got
20 it this morning. And, of course, when I got theirs, I noticed
21 that they had some information about the gun. Theirs said,
22 Heath stated that he had his firearm during this trip but
23 believed that he did not have his badge. That's the extent of
24 what they have that he said. But yet had the government looked
25 at this, they wouldn't have been able to make the

1 representation that he didn't make a single statement about the
2 firearm, because it's right here in the proffer that's dated
3 June 23rd, 2016.

4 You know, I bring this to the attention of the court
5 because, you know, the government has sought two mandatories in
6 this case. We tried to get this case worked out with a plea to
7 Count 1 and Count 2, but the government refused. Appellate
8 waivers became an issue, a lot became an issue.

9 So now here we are arguing the two levels, and the
10 government is arguing against it. And if they're arguing
11 against it, they should get their facts right. Okay? Because
12 their letter caused us great anguish, particularly Mr. Heath,
13 in their representations calling him a liar. And that is
14 obviously not even close to what happened if you look at their
15 allegations.

16 So with that then, I would like to go into my
17 arguments, the substantive arguments, which is really what this
18 case should have been about post-sentencing. And it should
19 have been done by way of sentencing memorandum and not in
20 response to my objections, or perhaps we could have had a
21 meeting, because there is a process here in the Middle District
22 that after we file objections, the probation office can request
23 a meeting. And if they request a meeting, then we have to sit
24 down and talk about it.

25 No one asked me for a meeting. Had they asked me for

1 a meeting, a lot of this -- I wouldn't have had to spend two,
2 three days on a sentencing memorandum just trying to correct
3 the factual inaccuracies in the government's response to my
4 objections.

5 Your Honor, we are asking -- and we are objecting to
6 Paragraph 38 of the presentence report and where they refuse to
7 recommend two points off for acceptance of responsibility.

8 *THE COURT:* Okay. Before we address that, let me ask
9 you this.

10 *MS. ULRICH:* Okay.

11 *THE COURT:* You've raised factual objections that you
12 had to Paragraphs 24, 19, and 6. You indicated that at least
13 in one instance, the probation officer has adopted your
14 recitation of the facts. That's in Paragraph 19. And
15 Paragraph 19 now correctly reflects the dates that you
16 suggested.

17 *MS. ULRICH:* Yes.

18 *THE COURT:* And then as to the other paragraphs, have
19 they been corrected to your satisfaction based on the exchange
20 of information you had with the probation officer?

21 *MS. ULRICH:* No, Your Honor, not Paragraph 6. It
22 still says the packages contained 10 to 20 pounds. I assume
23 probation -- I think they just note it. I don't think they
24 even note it in the addendum. No, no, the Paragraph 6 was not
25 changed, Your Honor. It still says each package contained 10

1 to 20 pounds of marijuana. That was not changed.

2 *THE COURT:* And what do you think it should say?

3 *MS. ULRICH:* Well, Your Honor, I think that that is
4 what Tyler -- or I think it was Chip Conrad, the informant, is
5 the one that told them that. But when they got their -- when
6 they got, actually got the information on the packages and that
7 was a trial exhibit from September, 2015, to December 4th,
8 2015, it noted the packages weighed between 3.44 and 13.75,
9 13.75 pounds. That's attached.

10 Now, this does not reflect all the packages that were
11 mailed, I understand that, but this was from September to
12 December, towards the tail end of the conspiracy. And that's
13 why we pointed it out, we just simply wanted to -- we weren't
14 even arguing drug weights. And had that not come up in the
15 government's sentencing memorandum, I probably -- you know, I
16 wouldn't have made a big deal about it today.

17 It's only because the government, in this letter,
18 quote, called us, you know, coming up with disingenuous drug
19 weights, when, in fact, we weren't even -- we haven't even
20 objected to the drug weights. It was just to clarify a fact
21 that probation had put in their report. So I don't understand
22 the disingenuous part, I guess.

23 So that is what happened there. Chip Conrad told them
24 it was 10 to 20 pounds, which, you know, he's probably
25 estimating, I get that, but it doesn't say that there. And

1 then their exhibit suggested that's not actually, you know,
2 entirely correct, and that's what we were pointing out.

3 *THE COURT:* Okay. And then on Paragraph 24?

4 *MS. ULRICH:* This is one where -- see, that's the
5 thing, that's accurate. The government is the one that said
6 that that said something else.

7 *THE COURT:* Okay.

8 *MS. ULRICH:* The government says he told -- the
9 government says in Paragraph 24, the presentence report says he
10 was paid 50,000 for the first trip and 60,000 for the second
11 trip. That's not even what Paragraph 24 says. So I don't know
12 if they were in a hurry. You know, this isn't something that
13 you should be in a hurry over if you're looking for, you know,
14 a ten-year mandatory minimum and trying to deny acceptance
15 points. You know, you've got to be on here. You've got to get
16 your facts right.

17 So for whatever reason, she just looks, says Paragraph
18 24, that's what it says, but you can see that's not what it
19 says. Paragraph 24 is correct. I don't know why the
20 government even made that complaint in their letter.

21 *THE COURT:* All right. So are you suggesting that
22 Paragraph 6 should be revised to reflect 3.44 to 13.7 pounds of
23 marijuana?

24 *MS. ULRICH:* It could, it could. But the point was --
25 and that would make it accurate, yes. It would make it

1 accurate.

2 *THE COURT:* Ms. Taylor, would it make it accurate?
3 Would that revision make Paragraph 6 more accurate?

4 *MS. TAYLOR:* I'm sorry, Your Honor, what revision
5 would that be?

6 *THE COURT:* Paragraph 6 presently reads, Each
7 marijuana package contains approximately 10 to 20 pounds of
8 marijuana and was mailed to various post offices in York
9 County. Ms. Ulrich says that 10 to 20 pounds is incorrect,
10 that the paragraph should properly read, Each package contained
11 approximately 3.44 to 13.7 pounds, and that your own exhibits
12 suggest that that's the proper amount.

13 *MS. TAYLOR:* No, Your Honor, that would not make it
14 more accurate. That statement -- because those weights that
15 you're quoting are from that exhibit which is just a very small
16 time period.

17 *THE COURT:* Okay.

18 *MS. TAYLOR:* That statement is an estimate given by
19 the informant. So if that statement --

20 *THE COURT:* Okay. So I'm going to suggest to the
21 probation office that this paragraph be amended to say, The
22 informant estimated that each package contains approximately 10
23 to 20 pounds. And then it would be accurate.

24 *MS. ULRICH:* That's what the informant said.

25 *THE COURT:* Exactly.

1 MS. ULRICH: And then we were just correcting it by,
2 okay, look at what the reality is, they weren't all 10 to
3 20 pounds. The government's exhibit, during that three-month
4 period, shows they're between 3 and 14 pounds.

5 MS. TAYLOR: But if we could just -- Your Honor, if I
6 could just ask the court to look at what we received, the
7 defendant's objection to that which states that the informant
8 received a total of 250 to 300 pounds of marijuana as a result
9 of the marijuana packages of 10 to 20 pounds that were mailed
10 to various post office boxes in York County. I'm attaching a
11 government exhibit from trial, which notes that the total
12 weight of the packages ranged from 3.44 to 13.75 pounds, that
13 the total pounds were 132.51. That's the extent of the
14 objection that we were provided with.

15 Now, what Ms. Ulrich is arguing here today is quite a
16 bit more involved than the objection that probation and I were
17 provided with, which does suggest, I think, certainly the way I
18 read that was that the total -- I mean, it's what it says, the
19 total pounds were 132.51 and attaches that one trial exhibit.

20 So just reading that suggests that that's the argument
21 that the defense was making. And, yes, I did feel that that
22 needed to be clarified because that -- if you didn't
23 participate or read the transcript of the trial, you wouldn't
24 realize that that was one snapshot with only certain dates that
25 that witness testified to. That objection does not make that

1 clear at all.

2 *THE COURT:* All right. So we're arguing about
3 nothing, really.

4 *MS. ULRICH:* Correct, Your Honor.

5 *THE COURT:* We're arguing about --

6 *MS. ULRICH:* Basically --

7 *MS. TAYLOR:* Because Ms. Ulrich made that --

8 *MS. ULRICH:* No.

9 *MS. TAYLOR:* Objected to that.

10 *MS. ULRICH:* Why we're arguing is because the
11 government basically said we established disingenuous drug
12 weights. Now she's complaining that she didn't really
13 understand the objection. Well, how about a phone call, how
14 about this meeting post -- you know, post-objections, rather
15 than -- this is a snapshot. We did not contest drug weights.
16 If you look at Paragraph --

17 *THE COURT:* I take your point.

18 *MS. ULRICH:* Okay.

19 *THE COURT:* Counsel, I really think that the issue
20 that Ms. Ulrich is raising is something that maybe we should
21 address outside the confines of this sentencing. Today we're
22 here to talk about Mr. Heath, not about Ms. Taylor. Okay? So
23 this doesn't affect drug amount -- I mean, it doesn't affect
24 the guideline range.

25 *MS. ULRICH:* Correct.

1 *THE COURT:* Obviously we want Mr. Heath to enter the
2 penitentiary with an accurate report in case it ever affects
3 his ability for programming or his assignment. So I think in
4 Paragraph 6 the adjustment is that the informant made these
5 representations and estimates, and that's really the point that
6 needs to be made. And all the other stuff about how counsel
7 are conducting themselves, I'm happy to sit with you and work
8 through that.

9 *MS. ULRICH:* Okay. Thank you, Your Honor.

10 *THE COURT:* I think we should do that. Okay. So
11 other than the -- obviously we want to talk about your
12 objection that does bear on the guideline range, but is there
13 anything else in the narrative that should be corrected?

14 *MS. ULRICH:* Well, you know, when he gave the proffer
15 on June 23rd, he did talk about the gun, and Paragraph 24
16 doesn't mention that, about the gun. You know, am I asking for
17 Paragraph 24 to be changed? No. But it's not in there, and he
18 did talk about the gun in the proffer.

19 *MS. TAYLOR:* Your Honor, the only thing I'd like to
20 make clear is that the discussion of the firearm in the proffer
21 related to the Florida trips.

22 *THE COURT:* Okay.

23 *MS. TAYLOR:* Not the Pennsylvania trip.

24 *THE COURT:* That's on Page 9 of Ms. Ulrich's notes.
25 That makes sense to me because there is a reference to the

1 trunk of a car which we know Mr. Heath was not driving in
2 Pennsylvania, he was driving a truck.

3 *MS. ULRICH:* But if you look at Page 10, he said he
4 always carried gun and badge. So it wasn't just in relation to
5 the Florida trip. I dispute that.

6 *THE COURT:* All right. So I don't think adding that
7 to Paragraph 24 really is of any assistance to Mr. Heath. In
8 fact, it might be damaging to him from a corrections standpoint
9 to make it part of the report that as he dealt drugs, he always
10 carried a gun and badge. Really, I would think we should
11 just --

12 *MS. ULRICH:* It's not something that we need to add.
13 I agree with the court.

14 *THE COURT:* But I take your point.

15 *MS. ULRICH:* Okay.

16 *THE COURT:* And I have looked at your notes and
17 probably you want them back.

18 *MS. ULRICH:* Actually, I was going to make them part
19 of the record.

20 *THE COURT:* You may.

21 *MS. ULRICH:* I ask they be made part of the record. I
22 don't know how the court is going to rule.

23 *THE COURT:* All right. So --

24 *MS. ULRICH:* So we are objecting to Paragraph --
25 moving on then to the substantive objection.

1 *THE COURT:* Okay.

2 *MS. ULRICH:* Paragraph 38 of the recommendation
3 against acceptance points, Your Honor. I filed the brief. I
4 assume the court had an opportunity to read the brief.

5 *THE COURT:* I have read it.

6 *MS. ULRICH:* Spent a lot of time on that. You know,
7 the guidelines say generally you go to trial, you don't get
8 your two points off for acceptance. There are rare situations.
9 And in my 24 and a half years of trying cases, I probably had a
10 few of those rare situations, and I do believe this is one of
11 those, quote, rare situations.

12 And the guidelines note you really should look a lot
13 to what happened pretrial. And that's why I gave the court
14 some of the information, including that he proffered on
15 June 23rd, 2016, totally admitted his involvement in marijuana
16 growing, the trips to Florida, the trips to York. That was
17 never an issue for him.

18 And that is also why I added the emails. I had
19 attached two emails for the court. And in the one email, we
20 offered, he offered to plead to Count 1 and Count 2 of the
21 indictment. I know the first offer was to everything. There
22 was an appellate waiver. That became a sticking point. But
23 we -- in the emails I have attached, he offered to plead to
24 Count 1 and Count 2.

25 I'll try to get to my sentencing memorandum so I can

1 get the date on those. On September 7th -- on September 6th,
2 on September 6th, 2016, long before trial, I sent an email to
3 Ms. Taylor telling her he would plead to Count 1 and Count 2,
4 the conspiracy for money laundering and marijuana, with the
5 appellate waiver. And I even outlined my reasons in that email
6 concerning the gun, the gun was the problem, and I stated, We
7 do not believe that his actions rise to a level of a 924(c)
8 prosecution.

9 So, you know, we recognized from the get-go he was
10 guilty on the drug and the money laundering and those counts.
11 You know, I know there were some emails in which I asked
12 Ms. Taylor to explain the money laundering because I wasn't
13 quite sure what the facts were to support it. But he offered
14 to plead to it, and we did not dispute that at trial.

15 It was always about the gun, but the government always
16 refused to drop the 924(c) count. And, in fact, one day later,
17 on September 7th, which is amazing it got rejected one day
18 later because it always takes weeks, it seems, to get anything
19 approved, but one day later on September 7th she emails me and
20 says that that counteroffer is rejected.

21 So pretrial he gave 25 pages of my written notes
22 proffered to agents. In September of 2016, he offered to plead
23 to Count 1 and 2 of the indictment. He admitted even -- and
24 during the trial, by the way, I did not dispute the marijuana
25 and the money laundering. And I know one of the arguments the

1 government is making is that whatever -- statements of counsel
2 can't be used really to go towards acceptance when, in fact,
3 generally it always goes towards acceptance.

4 If a guy goes to trial and the attorney is up there
5 saying that they're not guilty, then you can be sure that that
6 client is not going to get acceptance points. And when we sign
7 proffers, of course, if they -- if we present anything at trial
8 through counsel, through me, without a word from Mr. Heath,
9 that's inconsistent with his proffer, the government says,
10 well, we can introduce the proffer then to disprove what
11 counsel is saying.

12 So on the one hand, they're saying we can do that,
13 but, by the way, the statements counsel makes can't be used to
14 go towards acceptance for Mr. Heath. So we disagree with that.
15 We do believe my arguments should be attributable to Mr. Heath,
16 and we did admit the marijuana and money laundering counts at
17 trial.

18 The day he was arrested, the very day he was arrested,
19 in December of 2015, he admitted his conduct. It's in here.
20 It's in the presentence. And what strikes me about that is
21 that nobody even asked him about the gun, I believe, when he
22 was arrested because it wasn't an issue at his arrest in
23 December of 2015.

24 Nobody even asked him. It's not like they asked him,
25 and he goes, I don't know what you're talking about. They just

1 never asked him about the gun during the arrest. But he
2 admitted that he transported, he admitted that about 65 pounds
3 belonged to him, he admitted that he had been paid 10,000
4 before the trip and that he was expecting about a hundred
5 thousand when he got back.

6 Did he lie initially? Sure he did. You know, he made
7 statements about his fear as a sheriff, et cetera, but he told
8 them that he did participate -- I mean, he had no choice, they
9 caught him red-handed. They were there at Chip Conrad's house
10 unloading marijuana. And so he fully admitted his
11 participation in that the day of his arrest.

12 Since that time -- that's all pretrial, I think,
13 information that I think is important for the court to
14 consider. But even after his arrest, I know that there are
15 family members here, there's a Rusty Karl here. I could call
16 him up to testify. He was just telling me that even recently
17 when he was talking to Mr. Heath, actually about six months
18 ago, Mr. Heath never blamed anybody else for his conduct. He
19 knew it was all him, that he was totally responsible for what
20 he did, what he did to himself, what he did to his family.

21 Rusty Karl is in the courtroom, and I don't think I --
22 I don't think I need to call him up, but that's essentially
23 what you just told me. Right?

24 MR. KARL: Right.

25 MS. ULRICH: A friend of the family. His mother

1 Loretta Coogan is here; his stepfather Alan Coogan is here; and
2 Rusty's wife is here. I forget your name.

3 But anyway, so this isn't a situation where he has
4 ever denied his conduct. After he was convicted, this court,
5 of course, detained him immediately after trial, so he's been
6 in prison since then, and that, of course, was quite an
7 adjustment. And since he's been there, he has engaged in
8 mental health counseling, doing all the right things, not in
9 there -- you know, he's taken responsibility. He's always
10 taken responsibility.

11 When he met with the probation officer, he, you know,
12 told her what a terrible decision he had made, he's ruined his
13 life. This is an individual that has always accepted
14 responsibility for his conduct, Your Honor. The only issue is
15 whether that firearm was possessed in furtherance of drug
16 trafficking.

17 And interestingly, the government charged him
18 initially with use and carry and possession in furtherance of.
19 The jury did not find that he used or carried the firearm in
20 furtherance of drug trafficking, they found possession, which I
21 still do believe is a legal issue at this point. A lot of
22 issues have both a factual component and legal.

23 And, you know, the factual issue, there was really no
24 dispute about that gun, where it came from, what he was doing
25 with it. He was a Yuba County sheriff. If the court

1 remembers, I presented the documents from Yuba County. He was
2 lawfully carrying that gun the day of his arrest. And we
3 didn't dispute where it was in the car. When he got out of the
4 car, he didn't -- you know, his own co-defendant, Mr. Long,
5 didn't even know he had the gun.

6 So I do believe, you know, once you put the facts
7 aside, which I don't believe the facts are in dispute, it
8 becomes a legal issue, whether those facts are sufficient to
9 sustain a verdict on possession of a firearm in furtherance of
10 drug trafficking. It is a legal issue.

11 And the cases that have been cited, you know, suggest
12 and in the guidelines they suggest if you're just challenging
13 the applicability of the statute to your conduct, then you
14 still can get acceptance points. That's the whole reason this
15 case went to trial. This case -- you know, and the
16 co-defendants never got the 924(c).

17 Mr. Long, who really, he was the one that -- it was he
18 and his family that started this whole growing marijuana
19 business, him and Ramona Long. It was Tyler Long that had the
20 connect in York. In fact, Mr. Heath didn't even know Chip
21 Conrad. All the texts, all these arrangements were made by
22 Tyler Long. And it was Tyler Long and his mother who were
23 mailing the packages of marijuana back and forth through the
24 post office.

25 Now, I mean, I understand he was a sheriff. That's

1 unrelated to the acceptance issue. That really probably goes
2 to 3553(a) factors. But I think all those factors are
3 important for the court to determine whether, in fact, he
4 should get his two points off for acceptance. He never has
5 denied his conduct in this case. It really is, in my opinion
6 still is a legal issue regarding whether those actions are
7 possession in furtherance of.

8 *THE COURT:* Ms. Ulrich, when was the indictment filed
9 in this case?

10 *MS. ULRICH:* I want to say March of 2016.

11 *THE DEFENDANT:* March 23rd.

12 *MS. ULRICH:* March 23rd, 2016.

13 *THE COURT:* And when was your client's proffer?

14 *MS. ULRICH:* June 23rd, 2016, June.

15 *THE COURT:* And you indicated that by email there was
16 an offer?

17 *MS. ULRICH:* September, 2016.

18 *THE COURT:* Let me hear from the government on the
19 acceptance issue.

20 *MS. TAYLOR:* Well, Your Honor, the government is
21 certainly opposed to acceptance of responsibility in this case.
22 While, obviously, acceptance is available in rare instances
23 where a defendant goes to trial, I don't believe this is one of
24 those rare instances.

25 Mr. Heath did, through counsel, offer to plead guilty

1 to, as Ms. Ulrich indicated, Count 1 and 2, that would be the
2 drug trafficking count for the marijuana and the money
3 laundering. There was never, ever a time where there was any
4 discussion about a plea to the gun count. I believe that
5 throughout the pendency of this matter, he's maintained that he
6 was not willing to negotiate at all as to the gun count.

7 And I think Ms. Ulrich's email that she pointed the
8 court to that's attached to her sentencing memorandum makes
9 that clear when she stated, We do not believe that his actions
10 rise to a level of a 924(c) prosecution. I don't believe he
11 has ever accepted responsibility for carrying the firearm in
12 furtherance of drug trafficking, either pretrial or during the
13 trial. She indicated that he was lawfully carrying the gun at
14 the time of the arrest and if you would just put the facts
15 aside, that this is simply a legal issue, and I would just
16 simply disagree with those statements, Your Honor.

17 And respectfully, I think the jury disagreed with
18 that, as well, because while I understand the point that
19 Ms. Ulrich is making today, which I believe was the point she
20 tried to make at trial, that Mr. Heath was lawfully carrying
21 his gun as a deputy sheriff at the time that he was
22 transporting this load of marijuana, he wasn't acting as a
23 deputy sheriff when he was being a drug dealer. He was a drug
24 dealer carrying a gun, possessing that gun, and that's the
25 decision that the jury made. And he never, either pretrial or

1 afterwards, never admitted to having -- possessing that gun
2 during that incident or the travel to Pennsylvania.

3 I think the case law, particularly the *Best* case which
4 I initially pointed out to the probation office, which is the
5 Third Circuit case from 2016, was the case that -- was one of
6 the recent cases that determined that a defendant was not
7 entitled to a two-level reduction for acceptance of
8 responsibility after going to trial on charges of drug
9 trafficking and a 924(c), so similar facts to what we have here
10 in Mr. Heath's situation. And the determination was that the
11 two-level -- the two levels was not appropriate there.

12 I did also point out to probation that there was a
13 Fifth Circuit case, the *Broussard* case, B-r-o-u-s-s-a-r-d,
14 that's a Fifth Circuit case, but that was a case where the two
15 levels was awarded to the defendant in a similar situation.
16 But in a recent Third Circuit case, as I mentioned, the *Best*
17 matter, the two levels was not awarded to the defendant, and I
18 think that the *Best* Third Circuit case is the one that's most
19 similarly situated -- that Mr. Heath is most similarly situated
20 to.

21 Beyond the gun issue, Your Honor, I also pointed out
22 in our filing that as to the drug trafficking charge,
23 Ms. Ulrich has made a couple of statements suggesting that that
24 was not a count that was at issue at the trial as though it was
25 completely conceded, but that's just not accurate. The drug

1 count and, in fact, the drug weights were very much at issue,
2 to the extent that I had to call Special Agent Joe Myers who
3 was vigorously crossed on the mathematics involved in
4 calculating the drug weights and whether we were going to meet
5 the weights that were charged in the indictment.

6 So that was a matter that was very much at issue at
7 the time of the trial that the jury had to make a determination
8 on. So even beyond the drug -- I'm sorry, beyond the gun
9 charge, the drug weight -- the drug charge and the drug weight
10 itself was challenged, so I don't believe that the acceptance
11 of responsibility, for all those reasons, is appropriate here
12 in Mr. Heath's case.

13 *MS. ULRICH:* Your Honor, I don't believe we vigorously
14 contested drug weights at all. I looked at my opening and my
15 closing in that case, and it was all on the 924(c). I'm sure I
16 asked questions about drug weights during the trial, but in
17 looking at my opening and closing, we were not contesting drug
18 weights.

19 *MS. TAYLOR:* Well, Agent Myers is here if the court
20 would like to hear from him about whether he was -- I mean, if
21 no one recalls, but whether Agent Myers was called to testify
22 and was cross-examined on that issue, he's here in the
23 courtroom today.

24 *THE COURT:* Looking at my own trial notes and relying
25 on my own recollection, I think Ms. Ulrich is correct, that the

1 real issue at trial was the gun, the accessibility, the lack of
2 direct evidence on the application of the gun, and the
3 defendant lost that fight. The jury concluded from all the
4 evidence that the gun was a factor, and he was properly found
5 guilty of the 924(c).

6 The testimony was that the defendant volunteered to go
7 it alone, and the inference from that was that he was armed, he
8 had a badge, he had a gun, and he knew that if he was stopped,
9 he had a good likelihood of being able to move forward and
10 deliver those drugs, that he could evade police.

11 I think under all of the circumstances and the
12 evidence at trial, that I really cannot find that acceptance of
13 responsibility is properly awarded to Mr. Heath. And I note
14 that it really makes very little difference in the guideline
15 calculation. If I'm reading this correctly, it would be --
16 were he awarded acceptance, we'd be looking at a 24 criminal
17 history, category one.

18 *MS. ULRICH:* Correct.

19 *THE COURT:* Instead of the 63 to 78 on those first
20 counts --

21 *MS. ULRICH:* Correct.

22 *THE COURT:* -- it would be 51 to 60.

23 *MS. ULRICH:* It's all over three months, correct.

24 *THE COURT:* Okay. So I think we need to talk about
25 the 3553(a) factors.

1 MS. ULRICH: I'm sorry, what did you say, Your Honor?

2 THE COURT: I said I think we need to move on to the
3 3553(a) factors.

4 MS. ULRICH: Your Honor, we're asking the court then
5 to vary from the guideline range under all the circumstances.
6 In looking at the 3553(a) factors, you know, the court has to
7 look at the seriousness of the offense, respect for the law.
8 And I understand, given those two considerations, a sentence of
9 a hundred -- frankly, 120 months, I think, would also take care
10 of the seriousness of the offense and respect for the law.

11 The government charged two mandatories in this case,
12 so, really, this court has no discretion because Congress, you
13 know, has taken discretion away from the courts in cases like
14 this because they have imposed these mandatories. And so
15 there's really nothing we can do to get below -- so, frankly, I
16 think 120 months is actually too long if you look at the
17 sentencing factors, anyway, but the court has no discretion.

18 It certainly, you know, addresses the seriousness of
19 the offense, respect for the law. And we totally get that he
20 was a sheriff when he did this, and that makes it more
21 offensive to the court and to other law enforcement, I know.
22 It makes them all look bad because he's a sheriff and he's
23 taking drugs and he's, you know, stealing them from the
24 forfeiture of drugs and then he's recycling them as a drug
25 dealer. It's totally offensive. But ten years is more than

1 enough time to address those aspects of this case.

2 If you look at the other aspects, deterrence, to
3 protect the public from future crimes, Mr. Heath is not going
4 to be in trouble again. He has this pending charge out in
5 California, the two assault rifles that he pled to and he's got
6 to be sentenced on. That's all from -- you know, really
7 related to this case, all from the same time frame. They
8 searched out there after he got arrested here. It's pending.
9 Aside from that, there is nothing, and he will never be in
10 trouble again.

11 You know, the other aspect is to provide him with
12 needed educational, vocational, medical, or other correctional
13 treatment. Well, you know, Mr. Heath has a family. He has a
14 wife, he has two kids. He already has worked in construction,
15 and he has a job in construction really the day he leaves
16 prison.

17 So, really, what this comes down to is punishment, and
18 that's all this is. And we should call it what it is, 120
19 months is just that, it's just for punishment sake, really.
20 Because, I mean, this court could impose five years, and that
21 certainly would impress upon him the seriousness of the offense
22 and respect for the law. This is a guy who was in law
23 enforcement and has never been in prison before. Five years
24 would have served that purpose. Really, any amount of time in
25 prison would serve that purpose, but this court has no choice

1 but to impose the ten years.

2 Yet, you know, Mr. Long and Ramona Long, really two of
3 the more culpable individuals in this case, aren't facing the
4 ten-year mandatory minimum and won't get the ten-year -- I
5 shouldn't say won't when the court sentences them, but they're
6 not facing the mandatory minimum. But yet it was Tyler and
7 Ramona who really established the mailing. As I said earlier,
8 Tyler is the one that knew Chip Conrad in York, had all the
9 texts going back and forth, arranged everything.

10 And then aside from that, just some personal factors.
11 And I think the presentence does a nice job of spelling them
12 out. Since his arrest, he's done everything, he's gone through
13 treatment, expressed remorse over and over and over for his
14 conduct, how it ruined, you know, really, his family.

15 And like Mr. Karl told me just before I came up here,
16 when he was moving him from California to Ohio, Mr. Heath was
17 telling him -- like, he didn't blame anybody else, he blamed
18 himself. And rightly so, he should blame himself. But that is
19 what he has done since his arrest. And the presentence lays
20 out all the treatment, all the counseling he went through.

21 And he followed through. He followed through in
22 California. When he was permitted to move away from all that
23 mess in California, he moved to Ohio, and he again got himself
24 right back into counseling to address his issues, never once
25 blaming anybody else for what he did.

1 Aside from this, this is a man who was married for 16
2 years, has two beautiful daughters, Sydney 14, Trinity 8. I
3 know a lot of what the court has seen, it looks like he started
4 spiraling downhill in 2005 when they lost their son who was
5 full term, and I can understand why that would take a toll on
6 the family, which it did.

7 But he doesn't even use that or his subsequent
8 alcohol, really, to say that that's why he committed this
9 offense. It's not. He just made a lot of bad decisions when
10 he committed this offense, and I think he even says in the
11 presentence it was just greed. He acknowledges all of that.

12 He served in our military, the Marine Corps, from 1998
13 to 2002. He got an honorable discharge. He's pretty much
14 worked his whole life. I mean, aside from this -- and this is,
15 you know, this is a serious matter and I'm not trying to
16 minimize it -- he's really lived a law-abiding life trying to
17 do the right thing, raising two kids, staying with his wife,
18 Tatum Heath. She couldn't be here today because she's working,
19 but she's been very involved. I think it's been very hard on
20 her and the girls.

21 I remember when -- and I think even in her letter she
22 states that from the moment he was arrested, he called her and
23 said, look, Tatum, I want to talk to the kids, I want to tell
24 them how I screwed up. And he's never kept it from the kids,
25 what he did wrong, so they're fully aware where he is and why

1 he is where he is and that he's going to be away from the
2 family for a very long time. Ten years is long enough given
3 his background and the circumstances of this offense, Your
4 Honor.

5 *THE COURT:* All right. Does your client wish to
6 speak?

7 *MS. ULRICH:* Yes, Your Honor.

8 *THE COURT:* Mr. Heath. Do you need a minute?

9 *THE DEFENDANT:* Yes, please.

10 *THE COURT:* Take your time.

11 *THE DEFENDANT:* I apologize.

12 *THE COURT:* Take your time.

13 *THE DEFENDANT:* I'm sorry. I've been crying for six
14 months. I'm trying to get past it. I'm sorry. I've tried to
15 think what I could tell you that would help you understand why
16 I'm standing here. And part of it I put in the letter that I
17 wrote to you.

18 But there is no excuse for me to be here. I made bad
19 decisions. I accept that. I wish I could undo it, and not for
20 me. You know, my family is the one that's suffering. You
21 know, I'm embarrassed that my daughter thinks of me as Superman
22 and this is what I do.

23 I also need to apologize to not only the court, but to
24 all of the law enforcement guys. The job field is hard enough
25 without people like me giving it another black eye. And I was

1 just blinded by the greed. It was -- there's no excuse. And
2 it's not going to change once I'm out of the courtroom. I'm
3 not going to start blaming somebody else. This is my burden to
4 bear. I just want to get back to my wife and my children as
5 soon as I can.

6 There are probably a million things I want to say, but
7 I can't. You know, realistically, I get the easy part of this.
8 You know, my wife has to work and support two kids on her own
9 now. You know, my oldest daughter will graduate college before
10 I get home, best-case scenario. But my wife is staying with
11 me, and many days I don't know why because I don't think I
12 deserve it.

13 But I truly am sorry for what I did. I'm sorry for
14 all the people it affected, not just me and my immediate
15 family, but, like I said, my sheriff's department that I worked
16 for. You know, that's humiliating for them. My sheriff was a
17 very good man, or is a very good man, and I gave his department
18 a black eye for greed. And the severity of that is not lost on
19 me.

20 So I'll leave the rest of what I wrote in my letter
21 as, you know, the other part of how I feel, and I appreciate
22 your time, Your Honor.

23 *THE COURT:* All right. Thank you. Ms. Taylor.

24 *MS. TAYLOR:* Your Honor, as I indicated to Ms. Ulrich
25 before the proceeding started, the government has no objection

1 to a 120-month sentence.

2 *THE COURT:* Well, it's unusual that I know as much as
3 I do about the offense, because most cases, ninety, I think,
4 seven percent of the cases end in a plea bargain, so usually
5 I'm in a situation where I'm trying to cobble together the
6 facts to understand the nature and circumstances that bring a
7 person before the court. I understand very well how Mr. Heath
8 got here.

9 He had a good life, and he, unfortunately, threw it
10 away, and I think it's not all on him. He has co-conspirators
11 who were culpable in this and for whatever reason were chosen
12 to be cooperators instead of those people on trial. It's hard
13 to separate out who is the most culpable in all of this,
14 somebody who abused a position of trust at the U.S. Post Office
15 or somebody who abused their trust at the Yuba County Sheriff's
16 Office, but Mr. Heath is here to answer for it.

17 And I appreciate what he has written and said. I
18 think he's truly remorseful, and that under all of the
19 circumstances, given his personal history and background, that
20 the mandatory 120 months is sufficient and not greater than
21 necessary to meet sentencing objectives. He will be punished.
22 That sentence promotes respect for the law, adequately deters.
23 I don't think he'll be back.

24 *THE DEFENDANT:* No, Your Honor.

25 *THE COURT:* I think this is a really unfortunate case

1 for a lot of reasons, and I think part of it has to do with the
2 marijuana and the attitude that I heard from Mr. Long that it's
3 legal in places and it's really not that bad. But it's a
4 federal crime, and Mr. Heath knows that, and that's why he's
5 here.

6 Pursuant to the Sentencing Reform Act of 1984, it's
7 the judgment of the court that the defendant, Christopher Mark
8 Heath, is hereby committed to the custody of the Bureau of
9 Prisons to be imprisoned for a term of 120 months.

10 This term consists of 60 months on each of Counts 1,
11 2, and 18 to be served concurrently and 60 months on Count 19
12 to be served consecutively to Counts 1, 2, and 18.

13 Additionally, the 60-month term of imprisonment on Count 19 is
14 imposed consecutively to any sentence of imprisonment that may
15 be imposed in the Superior Court of California, Oroville,
16 California Case Number CM-044128.

17 The court finds that the defendant has the ability to
18 pay a fine. It's ordered that he pay to the Clerk, U.S.
19 District Court, the sum of \$1400 consisting of a special
20 assessment of \$100 on each count, for a total of \$400 due
21 immediately, and a fine of \$1,000 on Count 1.

22 During the term of imprisonment, the fine is payable
23 every three months in an amount after a telephone allowance
24 equal to 50 percent of the funds deposited into the defendant's
25 inmate trust fund account.

1 In the event that the fine is not paid in full prior
2 to the commencement of supervised release, the defendant shall,
3 as a condition of supervised release, satisfy the amount due in
4 monthly installments of no less than \$50 to commence 30 days
5 after release from confinement.

6 On release from imprisonment, the defendant shall be
7 placed on supervised release for a term of four years. This
8 term consists of four years on Counts 1 and 19 and three years
9 on Counts 2 and 18 to be served concurrently.

10 Within 72 hours of release from the Bureau of Prisons,
11 the defendant shall report in person to the probation office in
12 the district to which he is released.

13 While on supervised release, the defendant shall not
14 commit any federal, state, or local crime and shall not possess
15 a dangerous weapon.

16 The defendant shall comply with the standard
17 conditions that have been adopted by the court and with the
18 following additional conditions:

19 You must participate in a substance abuse treatment
20 program and follow the rules and regulations of that program.
21 The probation officer will supervise your participation in the
22 program. That may include an evaluation and completion of any
23 recommended treatment.

24 You must submit to substance abuse testing to
25 determine if you have used a prohibited substance. You must

1 not attempt to obstruct or tamper with the testing methods.

2 You must not use or possess any controlled substance
3 without a valid prescription. If you do have a valid
4 prescription, you must disclose that prescription information
5 to the probation officer and follow the instructions on the
6 prescription.

7 You must not knowingly purchase, possess, distribute,
8 administer, or otherwise use any psychoactive substances, such
9 as synthetic marijuana and bath salts, that impair a person's
10 physical or mental functioning, whether or not intended for
11 human consumption, except with the prior approval of the
12 probation officer.

13 You must participate in a mental health treatment
14 program and follow the rules and regulations of that program.
15 The probation officer, in consultation with the treatment
16 provider, will supervise your participation in the program that
17 may include an evaluation and completion of any recommended
18 treatment. You must take all mental health medications that
19 are prescribed by your treating physician.

20 You must submit your person, property, house,
21 residence, vehicle, papers, computers, other electronic
22 communications or data storage devices or media or office to a
23 search conducted by the U.S. probation officer.

24 Failure to submit to a search may be grounds for
25 revocation of release. You must warn any other occupants that

1 the premises may be subject to searches pursuant to this
2 condition.

3 You must apply all monies received from income tax
4 refunds, lottery winnings, judgments, and/or any other
5 unanticipated or unexpected financial gains to the outstanding
6 court-ordered financial obligation. And you must cooperate in
7 the collection of a DNA sample as directed by the probation
8 officer.

9 Pursuant to the indictment, the defendant shall
10 forfeit to the United States his interest in all items listed
11 there. It's my determination that the sentence is sufficient
12 but not greater than necessary to comply with 18, United States
13 Code, Section 3553(a) (2) .

14 I have considered all seven factors set forth in the
15 statute, and I recognize that the guidelines and policy
16 statements and amendments are advisory only.

17 Mr. Heath, of course, you do have a right to appeal
18 your conviction and your sentence to the United States Court of
19 Appeals. If you're not able to pay the costs of an appeal, you
20 may ask for leave to appeal in forma pauperis, and if your
21 request is approved, counsel will be appointed for you and
22 you'll not be required to pay any costs.

23 Counsel, is there anything else that should be made
24 part of the record in this matter?

25 *MS. ULRICH:* I have a few matters. There was \$760 in

1 cash seized from him that York took upon his arrest. We would
2 ask, of course, that that money be applied towards the fine
3 that was imposed. I have the paperwork from York and the order
4 if the court needs to see it.

5 *THE COURT:* Maybe you could share it with Ms. Taylor.

6 *MS. TAYLOR:* I'm not sure what the status of this is
7 in York. I mean, I'll have to look into it.

8 *THE COURT:* Okay. We'll look into it.

9 *MS. ULRICH:* Okay. There was 3,000 seized from his
10 residence in California, also.

11 *THE COURT:* I have a feeling that that money is still
12 in California. Is that right?

13 *MS. ULRICH:* I'm sure it is. Actually, the government
14 has moved to seize it.

15 *THE COURT:* Is it part of the forfeiture?

16 *MS. ULRICH:* Yes, it is part of the forfeiture.

17 *THE COURT:* Okay.

18 *MS. ULRICH:* Actually, we're asking that that money be
19 applied, too. I don't think we, you know, really address these
20 in these forfeiture cases. But the court just imposed fines,
21 and we had 760 taken from him at the time of his arrest, 3,000
22 from him in California. We would ask that that start, you
23 know, going towards the fine, restitution, and forfeiture
24 obligations.

25 *MS. TAYLOR:* But, Your Honor, if it's forfeited --

1 THE COURT: It's forfeited.

2 MS. TAYLOR: That's correct, Your Honor.

3 THE COURT: But the 760 -- is it 760 is not forfeited?

4 MS. ULRICH: \$760.

5 MS. TAYLOR: I don't know what the status of that is
6 in York.

7 MS. ULRICH: Right here is the order. It's dated
8 July 13th, 2016. It says -- the DA filed a petition for
9 forfeiture, and it says, The properties which are the subject
10 of these proceedings are condemned and forfeited and the
11 firearms destroyed, if any; said property to be delivered to
12 the district attorney within 30 days of receipt of this order.

13 MS. TAYLOR: That was forfeited by the local --

14 THE COURT: So it's forfeited, now it's the property
15 of the state.

16 MS. ULRICH: I would still -- that may well be, but
17 that -- I think it should be applied toward the fine of \$1,000.

18 THE COURT: I don't think it can be if it's been
19 forfeited.

20 MS. TAYLOR: I'm not sure how we would have the
21 authority to --

22 THE COURT: I don't think we do.

23 *(Defendant and Ms. Ulrich confer.)*

24 MS. ULRICH: He asked if we could put the 3,000
25 towards the 225. I assume that would go towards the 225 since

1 that was all part of the forfeiture proceedings.

2 *THE COURT:* The forfeiture includes the \$3,000.

3 *MS. ULRICH:* Correct. And the forfeiture is for, I
4 think, 225,000 or 500,000.

5 *THE DEFENDANT:* Yeah, 225.

6 *MS. ULRICH:* 225 for Mr. Heath. So I guess he's
7 asking does the 3,000 that was forfeited go towards that 225.
8 I think the answer to that would be yes.

9 *MS. TAYLOR:* Your Honor, I'm not sure what entity
10 forfeited the 3,000, whether it was the -- because the local
11 authorities were involved, as well as the federal authorities
12 in California. I would just have to check on that.

13 *MS. ULRICH:* I think it's in the indictment, Your
14 Honor.

15 *THE COURT:* It is in the indictment, \$3,000 is in the
16 indictment.

17 *MS. TAYLOR:* I'll just confirm.

18 *THE COURT:* So I assume that the forfeiture -- the
19 order of this court orders these particular items forfeited,
20 and that \$3,000 is part of that. So I don't know how the
21 government gets the money from California if some other
22 authority is holding it, but it won't be used to pay a fine.

23 *MS. ULRICH:* But it would go towards the 225 ordered
24 in forfeiture, is that what you're saying?

25 *THE COURT:* Yes.

1 *MS. ULRICH:* Okay. I think that's what we wanted to
2 clarify.

3 *THE COURT:* Okay.

4 *MS. ULRICH:* And we would just ask the court to
5 recommend Elkton as the place of confinement.

6 *THE COURT:* Where is Elkton?

7 *MS. ULRICH:* Ohio.

8 *THE COURT:* All right.

9 *MS. TAYLOR:* Just so I'm clear, Your Honor, did the
10 court need any other information on that \$760 that's been
11 forfeited based on the order --

12 *MS. ULRICH:* I think you're probably -- I agree, if
13 it's forfeited, I don't know that --

14 *THE COURT:* If the state has it, it's --

15 *MS. ULRICH:* I don't --

16 *THE COURT:* Yeah. I mean, you might ask somebody like
17 Ari Weitzman, who might know.

18 *MS. ULRICH:* That's a good idea.

19 *THE COURT:* But, you know, I'm happy to modify the
20 order to make it applicable to the fine if I can do that.

21 *MS. ULRICH:* I'll have to look into that.

22 *THE COURT:* From what you have told me, it appears
23 that it's the state, it's been forfeited to the state and now
24 it's in the state treasury.

25 *MS. ULRICH:* That's what I would think, too.

1 *THE COURT:* Sounds like it. Okay. So that's all for
2 Mr. Heath. Counsel, I don't know what your schedule is, I know
3 you probably need a few minutes to meet with Mr. Heath, but
4 after that, I would like to talk to the two of you on another
5 matter. Okay?

6 *MS. ULRICH:* Okay.

7 *THE DEFENDANT:* Thank you, Your Honor.

8 *(Whereupon, the proceedings were adjourned at 11:10 a.m.)*
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1 CERTIFICATE OF OFFICIAL COURT REPORTER

2
3
4 I, Lori A. Shuey, Federal Certified Realtime Reporter, in
5 and for the United States District Court for the Middle
6 District of Pennsylvania, do hereby certify that pursuant to
7 Section 753, Title 28, United States Code, that the foregoing
8 is a true and correct transcript of the stenographically
9 reported proceedings held in the above-captioned matter and
10 that the transcript page format is in conformance with the
11 regulations of the Judicial Conference of the United States.

12 Dated in Harrisburg, Pennsylvania, this 18th day of
13 December, 2017.

14
15 /s/ Lori A. Shuey

16 Lori A. Shuey
17 Federal Certified Realtime Reporter
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